

REMARKS

Claims 21-25 and 27-38 were pending prior to this amendment. Claims 1-20 and 26 had been previously canceled. Claims 21, 28, 37 and 38, all of the independent claims, have been herein amended. Applicants respectfully submit that no new matter has been added. Accordingly, Claims 21-25 and 27-38 are at issue.

The present invention is drawn to a system and method for controlling a device for setting a material placed on a textile. Referring to exemplary Claim 21, the method includes the step of receiving a power intensity value, and initiating a counter. The counter is then incremented by the power intensity value. In other words, the counter assumes a new value, which is the sum of the previous value of the counter, added to the power intensity value. That feature of the present invention allows the counter to be "stepped" in incremental values according to a variable amount; i.e., the power intensity value. When the power intensity value is greater, the counter will therefore be "stepped" to higher values more quickly. When the power intensity value is lesser, the counter will therefore be "stepped" to higher values more slowly.

The method next includes the step of comparing the counter and the base resolution, which, like the power intensity value, is another variable of the present system. The independent claims of the present application (Claims 21, 28, 37 and 38) have been herein amended to clarify that the method of the present invention calls for *comparing* the counter and the base resolution. On pages 6-8 of the July 20, 2006 Office Action, the Examiner noted that one of the reasons for rejecting the pending claims of the present application is that a *comparison* of the counter and the base resolution had not been previously claimed. The Examiner further noted that a *comparison* between the counter and the base resolution would be patentably distinct over the prior art, whereas the previously claimed "determination" rendered the claims patentably indistinct over the prior art. Applicants acknowledge the Examiner's suggestion, and respectfully submit that because the independent claims, as amended, require a *comparison* between the counter and the base resolution, they are, as the Examiner has acknowledged, patentable over the prior art.

As will be demonstrated herein, the prior art cited by the Examiner in the July 20, 2006 Office Action does not disclose, anticipate or suggest the elements of the claims of the present application.

Remarks Concerning Previous Rejections

In the March 15, 2006 Office Action, the Examiner rejected certain claims under 35 U.S.C. §§ 102 and 112. In the reply to that Office Action submitted June 13, 2006, Applicants addressed the Examiner's concerns. Those rejections were then not reiterated by the Examiner in the July 20, 2006 Office Action. Applicants therefore respectfully regard those rejections as having been withdrawn.

Remarks Concerning Rejections Under 35 U.S.C. § 102

U.S. Patent No. 5,489,981 to Killpatrick et al. ("Killpatrick")

On page 2 of the July 20, 2006 Office Action, the Examiner rejected Claims 21-23 and 25 under § 102(b) as being anticipated by Killpatrick. In light of the amendments made herein, Applicants respectfully traverse that rejection.

Killpatrick is directed to a power control system for a ring laser gyro. An intensity beam is generated at an intensity signal output. A signal averager is coupled to the intensity signal output, and provides an average intensity signal output. A processor generates a power control signal that is proportional to the average intensity signal output.

However, Killpatrick does not disclose two elements of Claim 21 of the present application. First, Killpatrick does not disclose the step of incrementing the counter by the power intensity value. Killpatrick teaches maintaining a power control signal that is proportional to an average intensity signal output. But Killpatrick does not disclose using a counter for that purpose. Moreover, Killpatrick does not disclose or suggest a counter that is incremented by the power intensity value. The present invention includes that feature so as to enable the counter to be stepped, i.e., incremented, at a variable rate. Killpatrick simply includes no feature that is remotely comparable to a counter incremented by a power intensity value.

Second, Killpatrick does not disclose the step of comparing the counter with a base resolution. Killpatrick teaches that the power output signal is increased in response to a decrease

in beam intensity, and is decreased in response to an increase in beam intensity, so as to keep the beam intensity relatively stable. That is not the same as comparing the counter of the present invention with the base resolution, for the purpose of determining whether to generate a power intensity output signal. In fact, Killpatrick does not teach or suggest any comparison involving a counter at all.

Killpatrick fails to disclose the steps of incrementing the counter by the power intensity value and comparing the counter with the base resolution. For those two reasons, Applicants respectfully submit that Claim 21 is patentable over Killpatrick. Claims 22-23 and 25 are dependent on Claim 21, and are therefore patentable over Killpatrick for the same reasons. Applicants thus respectfully request that the § 102 rejection based on Killpatrick be withdrawn.

U.S. Patent No. 5,852,881 to Kuroda et al. ("Kuroda")

On page 2 of the July 20, 2006 Office Action, the Examiner rejected Claims 28-35 under § 102(b) as being anticipated by Kuroda. In light of the amendments made herein, Applicants respectfully traverse that rejection.

Kuroda is directed to a clothes dryer that prevents the overheating of clothes. The Kuroda system operates by temporarily suspending power to the dryer's motor, during which time the motor continues to rotate by inertia. During the inertial rotation, a counter counts the number of times the motor rotates. If the counter exceeds a predetermined value, the motor is stopped, because the exceeding of the predetermined value is indicative of a driver failure within the motor.

Like Killpatrick, however, Kuroda fails to disclose two elements of the present invention: the step of incrementing the counter by the power intensity value, and the step of comparing the counter to the base resolution. The present invention provides that a counter is initialized, and is then *incremented by the power intensity value*. Kuroda, in contrast, discloses a counter which is incremented *by the rotation of the motor* (col. 8, ll. 7-12), but does *not* disclose a counter that is incremented by the power intensity value. Ostensibly, Kuroda does disclose a power intensity selector (col. 6, ll. 45-47). However, Kuroda makes no disclosure regarding adding that selected value to the counter. Kuroda thus fails to teach the step of incrementing the counter by the

power intensity value, which is a limitation of Claim 28 of the present application. Applicants therefore respectfully submit that Claim 28 is patentable over Kuroda, and request that the rejection thus be withdrawn.

Claims 29-35 are dependent on Claim 28, and include its limitations. Therefore, Applicants submit that Claims 29-35 are patentable over Kuroda for the same reasons, and request that the rejection of those claims be withdrawn as well.

U.S. Patent No. 5,828,178 to York et al. ("York")

On page 2 of the July 20, 2006 Office Action, the Examiner rejected Claim 38 under § 102(b) as being anticipated by York. In light of the amendments made herein, Applicants respectfully traverse that rejection.

York is directed to a system for monitoring and controlling the operation of a high intensity discharge lamp. A sensor produces an output signal representative of one of the parameters (light, color, temperature, etc.) of the lamp. A controller receives the output signal and responds by outputting a signal to control a variation in the parameter.

However, York does not disclose two elements of Claim 35 of the present application. First, York does not disclose the step of incrementing the counter by the power intensity value. York teaches outputting a signal to effect a variation in a sensed parameter. But York does not disclose using a counter for that purpose. Moreover, York does not disclose or suggest a counter that is incremented by the power intensity value. The present invention includes that feature so as to enable the counter to be stepped, i.e., incremented, at a variable rate. York simply includes no feature that is remotely comparable to a counter incremented by a power intensity value.

Second, York does not disclose the step of comparing the counter with a base resolution. York teaches that a controller can be used to respond to a parameter signal, in order to effect a variation in that parameter. That is simply not the same as comparing the counter of the present invention with the base resolution, for the purpose of determining whether to generate a power intensity output signal. In fact, York does not teach or suggest any comparison involving a counter at all. York thus fails to disclose both the step of incrementing the counter by the power intensity value, and comparing the counter to the base resolution. Applicants therefore

respectfully submit that Claim 35 is patentable over York, and request that the rejection be withdrawn.

Remarks Concerning Rejections Under 35 U.S.C. § 103

Killpatrick in view of York

On page 2 of the July 20, 2006 Office Action, the Examiner rejected Claim 24 under § 103(a) as being unpatentable over Killpatrick in view of York. The Examiner acknowledged Killpatrick does not disclose "one of a plurality of lamps", which is an element of Claim 24. The Examiner opined, however, that York makes such a disclosure. Applicants respectfully traverse the rejection.

As noted *supra*, Killpatrick and York *both* fail to disclose two of the elements of Claim 21; namely, the step of incrementing the counter by the power intensity value, and the step of comparing the counter to the base resolution. In fact, neither of those references disclose incrementing a counter or comparing the counter to any value at all. Both of those limitations are elements of Claim 24, because Claim 24 is dependent on Claim 21. Therefore, both Killpatrick and York fail to disclose two of the elements of Claim 24. Applicants thus respectfully submit that Claim 24 is patentable over Killpatrick and York, and request that the rejection be withdrawn.

Killpatrick in view of U.S. Patent No. 5,117,562 to Dulay et al. ("Dulay")

On page 2 of the July 20, 2006 Office Action, the Examiner rejected Claim 27 under § 103(a) as being unpatentable over Killpatrick in view of Dulay. The Examiner acknowledged that Killpatrick does not disclose "one of a plurality of lamps", which is an element of Claim 27. The Examiner opined, however, that Dulay makes such a disclosure. Applicants respectfully traverse the rejection.

As noted *supra*, Killpatrick fails to disclose two elements of Claim 21; namely, the step of incrementing the counter by the power intensity value, and the step of comparing the counter and the base resolution. In fact, Killpatrick does not disclose incrementing a counter or

comparing a counter to any value at all. Both of those limitations are elements of Claim 27, because Claim 27 is dependent on Claim 21.

Dulay fails to cure the deficiencies of Killpatrick. Dulay makes no disclosure regarding a counter, or a base resolution, incrementing the counter by the power intensity setting, or comparing the counter and the base resolution. Neither Killpatrick nor Dulay discloses those elements, either alone or in combination, and therefore Applicants respectfully submit that Claim 27 is patentable over Killpatrick and Dulay, and request that the rejection be withdrawn.

Moreover, while Dulay does disclose a plurality of lamps, Dulay does not disclose the *selection* of one of those plurality of lamps, which is also an element of Claim 27. For that additional reason, Applicants respectfully submit that Claim 27 is patentable over the combination of Killpatrick and Dulay, and request that the rejection be withdrawn.

Kuroda in view of Dulay

On page 3 of the July 20, 2006 Office Action, the Examiner rejected Claim 36 under § 103(a) as being unpatentable over Kuroda in view of Dulay. The Examiner acknowledged that Kuroda fails to disclose "at least one of a plurality of lamps", but opined that Dulay makes such a disclosure. Applicants respectfully traverse the rejection.

As noted *supra*, Kuroda fails to disclose two of the elements of Claim 28. Namely, Kuroda does not teach the step of incrementing the counter by the power intensity value, or the step of comparing the counter and the base resolution.

Dulay fails to cure the deficiencies of Kuroda. Dulay makes no disclosure regarding a counter, or a base resolution, incrementing the counter by the power intensity setting or comparing the counter to the base resolution. Neither Kuroda nor Dulay disclose those elements, either alone or in combination, and therefore Applicants respectfully submit that Claim 36, which depends on Claim 28 and thus includes those elements, is patentable over the combination of those references.

Moreover, while Dulay does disclose a plurality of lamps, Dulay does not disclose the *selection* of one of those plurality of lamps, which is also an element of Claim 36. For that

additional reason, Applicants respectfully submit that Claim 36 is patentable over the combination of Kuroda and Dulay, and request that the rejection be withdrawn.

U.S. Patent No. 6,751,888 to Lueckenbach ("Lueckenbach") in view of Dulay

On page 3 of the July 20, 2006 Office Action, the Examiner rejected Claim 37 under § 103(a) as being unpatentable over Lueckenbach in view of Dulay. Applicants respectfully traverse the rejection.

Lueckenbach is directed to a control system for a clothes dryer. A temperature sensor and a thermostat are used to regulate the heating element of the dryer. A microcomputer is used to correct differences between the temperature of the thermostat and the temperature sensed by the temperature sensor. The microcomputer thus operates "to maintain a tighter tolerance band about a target temperature than does [the] thermostat" (col. 4, ll. 44-46).

However, Lueckenbach fails to disclose three of the elements of Claim 37. First, while Lueckenbach does disclose a counter (col. 6, ll. 7-10), Lueckenbach does not teach that the counter is incremented by the power intensity value. The Lueckenbach counter merely counts the number of times the heater is activated (col. 6, ll. 7-10), but the counter is not incremented by the power intensity value. Second, Lueckenbach does not disclose the step of comparing the counter and the base resolution. The Examiner equated the thermostat of Lueckenbach with the base resolution value of the present application. Applicants respectfully submit that those two elements are not analogous. But even assuming, *arguendo*, that Lueckenbach does disclose a base resolution, Lueckenbach still fails to disclose the step of comparing the counter and the base resolution. Thus, Lueckenbach also fails to disclose a third element of Claim 37: generating a power intensity output signal based on the comparison of the counter and the base resolution.

Dulay fails to cure the deficiencies of Lueckenbach. As noted *supra*, Dulay fails to disclose those same elements of Claim 37, namely the steps of incrementing the counter by the power intensity value, the step of comparing the counter to the base resolution, and the step of generating a power intensity output signal based on the comparison. Neither Lueckenbach nor Dulay discloses those elements, either alone or in combination, and therefore Applicants respectfully submit that Claim 37 is patentable over the combination of those references.

Moreover, while Dulay does disclose a plurality of lamps, Dulay does not disclose the *selection* of one of those plurality of lamps, which is also an element of Claim 37. For that additional reason, Applicants respectfully submit that Claim 37 is patentable over the combination of Lueckenbach and Dulay, and respectfully request that the rejection be withdrawn.

CONCLUSION

In light of the amendments made herein and for the foregoing reasons, Applicants respectfully submit that Claims 21-38 are in condition for allowance. Applicants respectfully request that the Examiner withdraw the rejections and allow the claims to issue. The Examiner is invited to contact the undersigned attorney to discuss and expedite the examination of the present application. The Commissioner is hereby authorized to charge Deposit Account No. 23-0280 in connection with any additional and necessary fees associated herewith.

Respectfully submitted,

Dated: 20 Sept. 2006

By: _____

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on Sept. 20, 2006

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